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September 24, 2007

**BY TELECOPIER**Hon. Alvin K. Hellerstein  
United States District Judge  
United States District Court  
Southern District of New York

*So received  
9-24-07  
Alvin Hellerstein*

Re: Eisner v. Walleye Trading Advisors, LLC; Case No. 07 CIV 7837

Dear Judge Hellerstein:

Defendant, Walleye Trading Advisors, LLC ("Walleye"), retained our firm Friday, September 21, 2007 to defend the referenced action. Plaintiff, Daniel Eisner, served the Summons and Complaint on Walleye, a company whose principal place of business is located in Wayzata, Minnesota, on September 5, 2007. Since that date, while the parties pursued settlement discussions, Walleye had been searching for counsel in the New York City area, a search which, due to other firms' conflicts, ended only on Friday with our firm's retention.

Walleye's time to answer or otherwise respond with respect to the Complaint expires tomorrow. Given our recent introduction to the case, we respectfully request an extension of Walleye's time to answer or otherwise respond with respect to the Complaint until October 16, 2007. This is Walleye's first request for an extension, and there are no scheduled dates that would be affected by this relief.

This past Friday, we called Plaintiff's counsel, Terri Chase, Esq. of McDermott Will & Emery LLP, and requested an extension of time to respond to the Answer. Ms. Chase said that she would check with her client and get back to us that day. We have not heard back from Ms. Chase.

Respectfully,

  
Harry W. Lipman

cc: Terri Chase, Esq. (by telecopier)